UNITED STATES PATENT AND TRADEMARK OFFICE

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10/655,826	09/05/2003	Steven Kaufmann		7148

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EXAMINER
GISHNOCK, NIKOLAI A

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/655,826	KAUFMANN, STEVEN
	Examiner	Art Unit	
	Nikolai A. Gishnock	3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _10 July 2008_.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _2-13 and 15-18_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _2-13 and 15-18_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _05 September 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In response to Applicant's reply filed 7/10/2008, claims 1, 14, & 19 are cancelled. Claims 2-13 &

15-18 are pending.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 2-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the enablement requirement. Instant claim 2 contains subject matter which was not described

in the specification in such a way as to enable one skilled in the art to which it pertains, or with

which it is most nearly connected, to make and use the invention. The specification, while being

enabling for tracking and measuring a learner's activities and providing personalized

measurement and accountability, does not reasonably provide enablement for tracking and

measuring *all* learner's activities on the web browser, or means for personal measurement and

accountability in *all* facets of language learning, nor does it reasonably provide a variety of ways

for the learner's database to be sorted and customized, as recited in claim 15. The specification

does not enable any person skilled in the art to which it pertains, or with which it is most nearly

connected, to make and use the invention commensurate in scope with these claims, because

the specification.

4.   Claims 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant regards

as the invention. Claim 15 recites "Computer system of claim 10", however, instant claim 10

recites a method. Claim 16 recites "Computer system of claim 11", however, instant claim 11

recites a method. Claim 17 recites "Computer system of claim 12", however, instant claim 12

recites a method. Claim 18 recites "The computer system of claim 13", however, instant claim

13 recites a method. A single claim which claims both an apparatus and the method steps of

using the apparatus is indefinite under 35 U.S.C. 112, second paragraph. *IPXL Holdings v.*

Amazon.com, Inc., 430 F.2d 1377, 1384, 77 USPQ2d 1140, 1145 (Fed. Cir. 2005); *Ex parte*

Lyell, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990). It is unclear where the system is recited in

the antecedent claims.

5.   Claim 8 recites the limitation wherein the personal database connects new words and

phrases to all sentences in the learner's personal database which contain said words and lexical

phrases". It is unclear whether the "said words and phrases" referred to are the "new words and

phrases" or the sentences in the database containing words and phrases.

6.   Claim 16 recites the limitation "the host computer" in line 2. There is insufficient

antecedent basis for this limitation in the claim. Claim 16 further recites the limitation "for the

session" in line 3. It is unclear which of the sessions recited in antecedent claim 3 this refers to.

Claim 18 recites the limitation "the learner's incorrect phrasing" in line 6; the limitation "the type

of mistakes" in lines 7-9; and the limitation "the frequency of mistakes" in line 9. There is

insufficient antecedent basis for these limitations in the claims.

Response to Amendment

7.   Regarding claims 2,-4, 8, 15, & 18, a "means" clause is used in an apparatus claim to recite a claim element as a means for performing a specified function. However, since the claims depend from a method claim, and already modify method steps rather than structural elements, it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See MPEP 2181. Claim limitations that fail to invoke provisions of §112 sixth include: "resulting in means for personalized measurement and accountability in all facets of language learning" of claim 2; "a workdesk instructional session providing means for audio and text output of selected content from the language library" and "a pronunciation instruction session providing means for audio input by learner for comparison to audio output of select words or phrases from the language library" of claim 3; "specifically providing means for computer checking of the learner's text" or claim 4; and "wherein an instruction session provides means for correcting a learner's essays" etc., of claim 18.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

10.   Claims 2-4, 11-13, 16, & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Rosenfeld et al. (US 6,358,053 B1), hereinafter known as Rosenfeld, in view of Bishop (US

5,810,599 A), hereinafter known as Bishop.

11.   Rosenfield teaches a computer-implemented method for providing language instruction

comprising the steps of: invoking a web browser for a learner (HTML browser, 3:42-44; also,

6:53-63); logging a learner's computer into a host system to commence a learning session (A

student client computer logs into a host system to commence an instruction session, Abstract);

creating a learner profile in a personal database on the host system (A student profile, stored on

the host computer, can be accessed to reference the language a student is studying and an

appropriate level of language skill to be engaged in, specific to the student, 3:59-63); accessing

a language library database on the host system (a student can log onto a host computer and

engage the databases storing course materials. Login can act to request interaction with an

instructor wherein the instructor is proficient in a language the student wishes to study, all at

3:57-59); displaying a control panel to a learner, the control panel providing the learner with the

option of choosing language instruction sessions (After logging in, a student can choose a

language that the student desires to study, 4:62-63; it is understood that the web browser is a

"control panel", as it affords control to the student over language selection); and the learner

engaging in a selected instruction session (Instruction commences related to a scene displayed

on the client computers, 5:12-15); wherein the language library contains recordings of live

conversations (the instructor can also read from a script supplied via the instructor's workstation

computer, 5:53-56; a script is understood to be a recording) and written text in a variety of

desired languages and skill levels (A large variety of course materials may be stored at the host;

for example, text, audio, video, graphics, animations, and illustrations, 3:9-11; also, study aids

can include conversation topics and new vocabulary to be introduced into a conversation, 4:20-

26); the personal database storing words and phrases that the learner identifies (3:8-16; the

course materials are text in a language identifies by the student as in 3:57-59); the personal

database provides pre-selected words and phrases that a tutor has prepared for the learner (An

instructor computer can also access the host and the client software such that it can be

executed on the instructor's computer, access the databases, facilitate educational sessions,

including answers to frequently asked student questions or motivational ideas to stimulate

conversation through emulated situations, and scripts for dialogs to be initiated with a student,

3:17-27); and the learner is able to use the personal database to collect terms in a target

language (a student can play a sole character and speak in a monologue, wherein the student's

conversation relates to the scene taking place on the workstation computer, 5:36-40; the

conversation is understood to be composed of terms in the language to be learned); the

personal database provides a means for a central database of the learner's language learning

activities (instructor also accesses the database, 3:17-27; the host computer database is thus

understood to be centralized; see also 3:28-40); tracking and measuring the learners' activities

on the web browser using the personal database (the host may include multiple processing and

database sub-systems, such as cooperative or redundant processing and/or database servers

that can be geographically dispersed throughout the network. Server may also be a co-host

server that can serve course content and provide services such as e-mail, chat sessions,

conferences, course content, accounting, admissions and login to student's at client computers,

2:63-3:7); and the learner and tutor using the learners' activities to set goals, track progress,

and to determine study material for the learner (The lesson plan can be selected according to a

student profile stored on the host system. Study goals can also be listed on the computer

operated by the instructor [determining study material]. Completion of a study goal can also be

stored in the student profile [tracking progress]. The student profile can be used to determine a

next study goal for a particular student [setting goals], 1:61-67); and a learner logging on and

performing self-directed tasks (a student can play a sole character and speak in a monologue,

5:36-40; also, one or more students engage in study sessions without the participation of an

instructor. The instructorless sessions can be less structured and yet provide good practice to

the students, 6:13-16); and providing direct feedback from a tutor during the learning activities

(The instructor can monitor the student's monologue and tutor as necessary, 5:41-43); and said

tutors overseeing the learners' activities occasionally and providing encouragement and social

interaction to the learners (role-playing scenario simulation, in which the student and instructor

interact, 5:44-67; this is understood to provide encouragement and social interactions; further,

more advanced students can be allowed free reign in the scenario; this is understood to be

more occasional oversight) [Claim 2].

12.   What Rosenfeld fails to teach is wherein the language library contains a dictionary;

sorting and customizing the personal database; and grading [or scaling] study material to the

level of the learner by first measuring which words the learner knows and then comparing the

words with the database of known words of the learner, said grading based on the level of the

individual learner, with direction and content grading performed by the personal database,

based on statistical tracking and measurement of the learners' activities [Claim 2]. However,

Bishop teaches an interactive computer-implemented foreign-language learning system and

method, including a dictionary stored on a memory storage device (9:7-11). It is implied that the

dictionary stored in the personal database would be sorted, for example by alphabetical order,

so that the database in indexed to make searching for a word faster for both the system and the

user; and customized, for adding new words as they are encountered in the dialog; an example

of how such a dictionary works is found in Microsoft Word 2000. Bishop teaches where a study

list of words selected by a user is alphabetized or edited [customized] (12:36-49). Further,

Bishop teaches where the user may select a "role play" option, where, as the user advances in

skill level, the computer will pause playback of the audio-visual work after a line of dialog or a

certain scene and allow the user to supply, in context with the plot of the work from the point of

view of a selected character, an appropriate response to a spoken line of dialog. By selecting

the "Continue" option, the playback of the audio-visual work continues and next line of dialog is

spoken, with the transcription and translation displayed, for user comparison to the formulated

and/or entered user role play response. The "role play" option taught by Bishop is thus

understood to first measure the words a learner knows (by allowing the user to supply a line of

dialog) and then (after selecting "Continue") comparing the words with the list of words known

by the user. The "role play" feature taught by Bishop would merely be used in the "role play"

methods of Rosenfeld. Therefore, it would have been obvious to one of ordinary skill in the art,

at the time the invention was made, to have included a sorted and customized dictionary in the

database of Rosenfeld; and to grade or scale the study material of Rosenfeld to the learner's

level by quizzing the user on vocabulary; both as taught by Bishop, in order to test user oral and

written comprehension and understanding of the language, and the user's ability to effectively

engage in a conversation based on a viewed context [Claim 2].

13.   What Rosenfield further fails to teach is wherein the language instruction sessions are

further comprised of: a words and phrases instructional session that provides text and audio

output; a reading content instruction session providing the learner selected content from the

language library; a work desk instructional session providing audio and text output of selected

content from the language library; a pronunciation instruction session providing audio input by

the learner for comparison to audio output of select words or phrases from the language library;

and a writing correction session submitting any text that the learner has written, first analyzed by

a tutor and then corrected using the personal database [Claim 3], and submission of written text

samples and audio samples for review by another learner, tutor, or teacher and providing

computer checking of the learner's text [Claim 4]. However, Bishop teaches providing text and

audio output (video display and audio system to facilitate user reception of audio-video works,

3:41-50); providing the learner selected content from the language library (playing a foreign-

language film, 4:38-53); providing audio input by the learner for comparison to audio output of

select words or phrases from the language library (pronunciation practice, allowing the user to

audibly repeat a short portion for comparison by the computer, 10:42-58); and allowing the user

to submit text to be analyzed by the tutor of Rosenfeld and corrected using the personal

database of Rosenfeld (Answers to question may be input via textual input or the audio

subsystem, 7:34-43). These learning options of Bishop would merely be incorporated into the

system of Rosenfeld, to provide language learning support to a user in the same way that they

function in Bishop. Therefore, it would have been obvious to one of ordinary skill in the art, at

the time the invention was made, to have incorporated the words and phrases instructional

session, reading content instruction session, work desk instructional session, pronunciation

instruction session, and writing correction session of Bishop into the system and method of

Rosenfeld for language learning, in order to provide a user support and reinforcement of the

learning process through selection of several options, as a user determines is most effective for

them [Claims 3 & 4].

14.   What Rosenfield further fails to teach is wherein the submitted learner's text and audio

samples are stored in the learner's database [Claim 11]. However, Bishop teaches submitting

writing and audio samples and storing words and phrases for review (In the transcription input

option, the student will formulate a transcription of the line of dialog or short conversation and

preferably use the textual input to enter the transcription for display in window. Alternatively, the

user may input the transcription using the audio system input and the speech recognition

functionality of the processor. Similarly, in the translation input option, the student will formulate

and preferably enter a translation of the line of dialog or short conversation. Following

formulation and/or entry, the user may select window with the cursor and graphical input (point-

and-click) or audio system input, and the computer will display the correct transcription or

translation (or both) for user comparison against their formulated transcription or translation,

and/or computer comparison against their entered transcription or translation, 10:19-41; user-

selected words and phrases are stored for subsequent review, 12:36-49). The text and audio

samples of Bishop would be stored in the database of Rosenfeld in order to match the samples

to a particular user's profile. Therefore, it would have been obvious to one of ordinary skill in the

art, at the time the invention was made, to have stored a learner's submissions, as in Bishop, in

the database of Rosenfeld, in order to complete a student's language profile, in order to track

improvements to the learner's performance [Claim 11].

15.   Rosenfield teaches wherein a language coach or another learner accesses a learner's

samples for review [Claim 12], and wherein a language coach reviews a learner's submitted

writing and audio samples and provides feedback and corrections [Claim 13] (instructor can

monitor the students' monologues and tutors as necessary, 5:36-43) [Claims 12 & 13].

16.   Rosenfield teaches wherein a web browser enables a learner to access the host

computer through use of a control panel providing the learner with the option of choosing the

language of instruction for the session (After logging in, a student can choose a language that

the student desires to study, 4:62-63; it is understood that the web browser of 3:42-44 is a

"control panel", as it affords control to the student over language selection) [Claim 16].

17.   Rosenfield teaches wherein instruction sessions provide text, audio, and graphical input

and output (output, 3:8-16; and input, 6:29-36) [Claim 17].

18.   Claims 5-10, 15, & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rosenfeld and Bishop, as applied to claims 2-4, 11, & 13 above, and further in view of Rtischev

et al. (US 6,302,695 B1), hereinafter known as Rtischev.

19.   Rosenfield and Bishop teach all the features of claims 2-4, 11, & 13, as demonstrated

above. Rosenfield teaches wherein an instruction sessions provides automated software

correcting a learner' s essays; correcting a learner's-text input for proper syntax; a tutor reading

the submissions, identifying what the learner is trying to say, replacing the learner's incorrect

phrasing with correct, natural phrasing and then providing specific feedback to the types of

mistakes being made; concurrently with the tutor's reading, the personal database monitors the

type of mistakes and frequency of mistakes in the learner's text [Claim 18].

20.   What Rosenfeld and Bishop fail to explicitly teach is wherein the writing instruction

session uses a software program to enable a coach to correct a written submission and

generate a report and statistical analysis of the corrections made [Claim 5]. However, Rtischev

teaches a computer-implemented method and apparatus for language fluency training

(Abstract), where client software allows a teacher to grade a learner's performance on exercises

(15:38-53). A grade is understood to be a statistical analysis of the number of correct answers

versus the total questions attempted on an exercise. Rtischev further teaches where the teacher

accesses a database including conversations between learners, and forwards performance

evaluations to the respective learners associated with the database (15:6-18). The evaluations

of performance would inherently notify the learner where mistakes were made, thus correcting

them. Creating such a performance evaluation is understood to be generating a report. The

instructor in the system and method of Rosenfeld would merely generate a performance

evaluation for the student, explicitly grading the corrections, as taught by Rtischev. Therefore, it

would have been obvious to one of ordinary skill in the art, at the time the invention was made,

to have enabled a coach or tutor to correct a written submission and generate a report and

statistical analysis of the corrections made, as taught by Rtischev, in the system and method for

language fluency learning of Rosenfeld, in light of the teachings of Bishop, in order to facilitate

learning by identifying for a learner where their mistakes were made [Claims 5 & 18].

21.   Rosenfield teaches wherein the learner chooses the content of interest from a list of

subject topics for listening and reading in a desired foreign language (the scene can be an

interactive scene whereby the student and/or the teacher can manipulate a next action to take

place in the scene. Instructional conversation between a teacher and a student can center on

the shared experience being portrayed on the client computers. As the scene is simultaneously

displayed on the instructor's client computer and a student's client computer, the student and

teacher engage in conversation using the language being studied; Study aids can include

conversation topics, new vocabulary to be introduced into a conversation, new artifacts to be

introduced into the scene or any other programmable entity that may aid in the instruction, all at

4:1-33; because the student manipulates the conversation, it is understood that the student

selects topics for conversations with the teacher) [Claim 6].

22.   What Rosenfield and Bishop further fail to teach is wherein the learner enters selected

content into the personal database; and creating word card and phrase card files that can sorted

by database fields [Claim 7], wherein the personal database connects new words and lexical

phrases to sentences in the learner's personal database [Claim 8]. However, Bishop teaches

where user-selected words and phrases are stored for subsequent review, and where each

selected word or phrase, along with a definition and use context, is stored in a study file

maintained by the user (12:36-49). Inherently, the words and phrases in the database are

connected relationally, for example alphabetically, as taught by Bishop at 12:36-49. The study

file taught by Bishop would be used in the system and method of Rosenfeld, as described

above, to facilitate the user's learning of the selected words and phrases in context. The word

and phrase entries in the database would merely be referred to as "word cards" and "phrase

cards", respectively. Therefore, it would have been obvious to one of ordinary skill in the art, at

the time the invention was made, to have included a sorted and customized dictionary in the

database of Rosenfeld; and to grade or scale the study material of Rosenfeld to the learner's

level by quizzing the user on vocabulary; both as taught by Bishop, and further in light of the

teachings of Rtischev, in order to test user oral and written comprehension and understanding

of the language, and the user's ability to effectively engage in a conversation based on a viewed

context [Claims 7 & 8].

23.   Rosenfield teaches wherein the learner's personal database is compared to: the

learner's goals set in the user profile and words that the learner is to learn or intends to learn, as

selected in the learning library database (The lesson plan can be selected according to a

student profile stored on the host system. Study goals can also be listed on the computer

operated by the instructor. Completion of a study goal can also be stored in the student profile.

The student profile can be used to determine a next study goal for a particular student, 1:61-67)

[Claim 9]. What Rosenfeld fails to explicitly teach is where learners' personal databases are

compared [Claim 9]. However, Rosenfeld teaches where the students may engage in study

sessions without the participation of an instructor (6:13-16). The system and method of

Rosenfeld would compare the personal databases of the students in the study session to

determine their common goals, in order to identify material for the session. Therefore, it would

have been obvious to one of ordinary skill in the art, at the time the invention was made, to have

compared the personal databases of students in a study session, in the system and method of

Rosenfeld, in light of the teachings of Bishop and Rtischev, in order to select words and phrases

in target languages that conform to students' learning goals in a shared study session, so that

the participating students preferably achieve their goals simultaneously and faster than they

would have if studying individually [Claim 9].

24.   Rosenfield teaches wherein the learner's personal database allows the learner to place

multiple tags on a word or phrase that has been saved into the database [Claims 10 & 15],

enabling the learner to query multiple, custom lists of words and phrases utilizing the tags

[Claim 10] (HTML browser, 3:42-44; HTML inherently contains tags, which indicate to the

browser special meanings connected to the tagged text. It is understood that multiple tags may

be used on a given body of text).

Response to Arguments

25.   Applicant's arguments filed 7/10/2008 have been fully considered but they are not

persuasive. All the features of the claims are taught in the prior art as demonstrated above. In

general, changing the unsupported negative limitations previously amended back to positive

limitations fails to obviate the original grounds of rejection.

Conclusion

26.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant

is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikolai A. Gishnock whose telephone number is (571)272-1420. The examiner can normally be reached on M-F 8:30a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

12/5/2008
/N. A. G./
Examiner, Art Unit 3715

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3715